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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,696	10/08/2003	Joseph D. Rippolone	67,067-002	5878

26096 7590 11/08/2005

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EXAMINER

TRAN, KHOI H

ART UNIT PAPER NUMBER

3651

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/681,696	<b>Applicant(s)</b> RIPPOLONE, JOSEPH D.	
	<b>Examiner</b> Khoi H. Tran	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9 and 19-34 is/are pending in the application.
- 4a) Of the above claim(s) 27-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

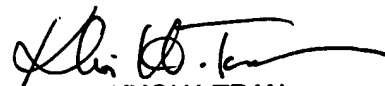
### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119.

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**KHOI H. TRAN**  
**PRIMARY EXAMINER**

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I, claims 1-5, 8, 9, and 19-26 in the reply filed on 10/03/2005 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

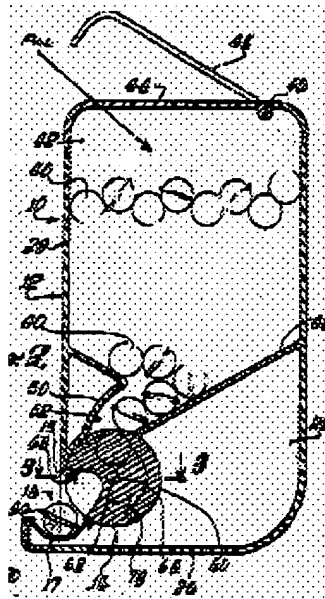
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8, 9, 19-22, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones 4,308,974.

Jones '974 discloses a material storage chest system per claimed invention. The system comprises a lockable storage chest for storing a plurality of articles. The system comprises actuating door 60 or 160 (Figure 2 or Figure 6) defined at least partially along a longitudinal length of said storage chest that selectively dispenses a desired quantity of articles. The system comprises a temporary storage portion 16 adjacent to said door that holds the desired articles. Since Jones '974 anticipates all structural limitations of the claimed system, it is inherent that the system is applicable for dispensing multiple construction articles.



In regards to claim 8, Jones '974 storage chest and the demonstrated solid construction thereof possess at least some form of water resistant features.

In regards to claim 9, Jones '974 temporary storage portion 16 is interpreted to be a receiving basket.

In regards to claims 19 and 20, Jones '974 temporary storage portion is accessible to a user or operator for retrieving the dispensed articles.

In regards to claim 21, Jones '974 system comprises a top-loading door 44.

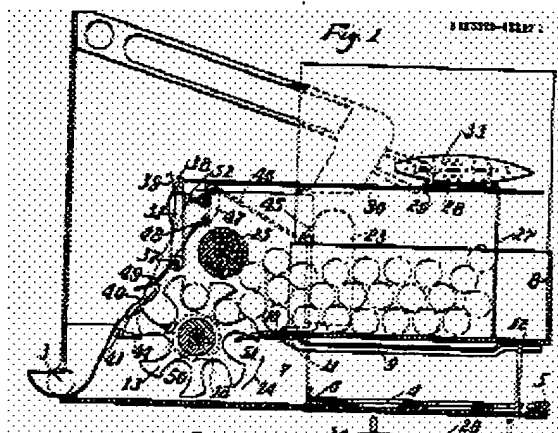
In regards to claim 22, Jones '974 system comprises a side-loading door 44 (i.e. top-side). In addition, when the storage chest is laid on the side, the side opposite from side 20 (Figure 1), door 44 is also a side-loading door.

4. Claims 1, 8, 9, 19, 20, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Billmeyer 905,401.

Billmeyer '401 discloses a material storage chest system per claimed invention. The system comprises a lockable storage chest for storing a plurality of articles. The

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system comprises actuating door 13 (Figures 1 and 2) defined at least partially along a longitudinal length of said storage chest that selectively dispenses a desired quantity of articles. The system comprises a temporary storage portion 3 adjacent to said door that holds the desired articles. Since Billmeyer '401 anticipates all structural limitations of the claimed system, it is inherent that the system is applicable for dispensing multiple construction articles.



In regards to claim 8, Billmeyer '401 storage chest is water resistant.

In regards to claim 9, Billmeyer '401 temporary storage portion 3 is a receiving basket.

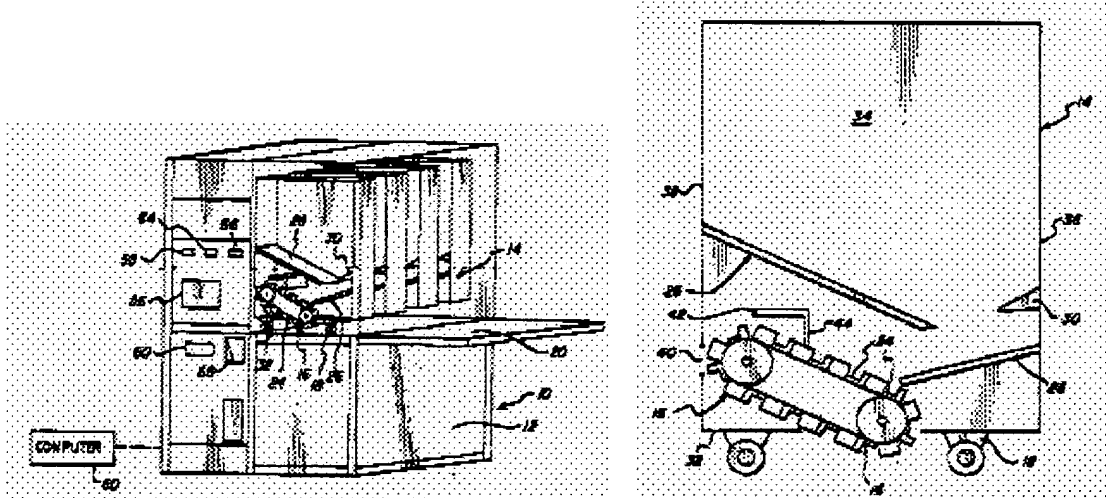
In regards to claims 19 and 20, Billmeyer '401 temporary storage portion is accessible to a user or operator for retrieving the dispensed articles.

5. Claims 1, 8, 9, 19, 20, 22, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamoureux et al. 5,938,072.

Lamoureux et al. '072 disclose a material storage chest system per claimed invention. The system comprises a lockable storage chest for storing a plurality of

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articles. The system comprises actuating door 16 (Figures 1 and 2) defined at least partially along a longitudinal length of said storage chest that selectively dispenses a desired quantity of articles per predetermined number requested by a user. The system comprises a temporary storage portion 68/54 adjacent to said door that holds the desired articles. Since Lamoureux et al. '072 anticipate all structural limitations of the claimed system, it is inherent that the system is applicable for dispensing multiple construction articles.



In regards to claim 8, Lamoureux et al. '072 storage chest storage chest and the demonstrated solid construction thereof possess at least some form of water resistant features.

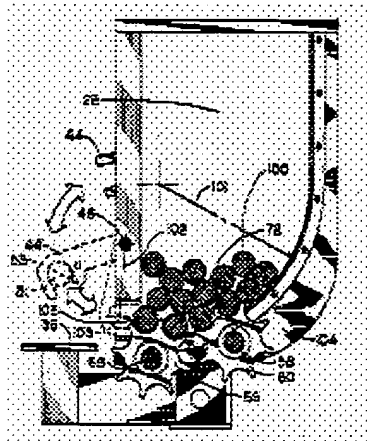
In regards to claim 9, Lamoureux et al. '072 temporary storage portion 68/54 is a receiving basket.

In regards to claims 19 and 20, Lamoureux et al. '072 temporary storage portion is accessible to a user or operator for retrieving the dispensed articles.

In regards to claim 22, Lamoureux et al. '072 lockable storage chest comprises a side-loading door 20 (Figure 1).

6. Claims 1, 8, 19, 20, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen 6,074,153.

Allen '153 discloses a material storage chest system per claimed invention. The system comprises a lockable storage chest for storing a plurality of construction articles. The system comprises actuating door 66 (Figures 1 and 7) defined at least partially along a longitudinal length of said storage chest that selectively dispenses a desired quantity of articles (at least one). The system comprises a temporary storage portion 44' adjacent to said door that holds the desired articles.



In regards to claim 8, since Allen '153 storage is enclosed, it is water resistant.

In regards to claims 19 and 20, Allen '153 temporary storage portion is accessible to a user or operator for retrieving the dispensed articles.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones 4,308,974.

Jones '974 illustrated a single dispenser within the invention. However, It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have duplicated said dispenser because it provides additional dispensers for the system, regardless of the types of articles that are being dispensed. Providing duplicated parts for a multiplied effect is commonly well known.

9. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Billmeyer 905,401.

Billmeyer '401 illustrated a single dispenser within the invention. However, It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have duplicated said dispenser because it provides additional dispensers for the system, regardless of the types of articles that are being dispensed. Providing duplicated parts for a multiplied effect is commonly well known.

10. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamoureux 5,938,072.

Lamoureux '072 illustrated a single dispenser within the invention. However, It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have duplicated said dispenser because it provides additional

dispensers for the system, regardless of the types of articles that are being dispensed. Providing duplicated parts for a multiplied effect is commonly well known.

11. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen 6,074,153.

Allen '153 illustrated a single dispenser within the invention. However, It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have duplicated said dispenser because it provides additional dispensers for the system, regardless of the types of articles that are being dispensed. Providing duplicated parts for a multiplied effect is commonly well known.

12. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen 6,074,153 in view of Boyer et al. 5,907,493.

Allen '153 discloses all elements per claimed invention. However, Allen '153 does not contain a secured computerized network for establishing a predetermined number of dispensed articles. Allen '153 is also silent as to the specifics of remotely monitoring the dispensing procedures from another location.

Providing a secured computerized network to control predetermined dispensing procedures is commonly well known. Boyer et al. '493 disclose a secured computerized dispensing system. The computerized system allows an authorized user to predetermine an amount of articles to be dispensed. In order to access the system, an authorized user must first enter proper identification into the system. The dispensing process is also monitored remotely from the dispensing device.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Allen '153 article dispensing device with a secured computerized net work because it facilitates a secured and authorized access into a dispensing system, wherein the number of dispensed articles can also be predetermined and entered for automatic dispensing, as shown by Boyer '493.

In regards to claim 5, it would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Allen '153 modified system with a central monitoring computer because it facilitates remote monitoring of dispensing processes, as shown by Boyer '493.

13. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamoureux et al. 5,938,072 in view of Scott 5,94,409.

Lamoureux et al. '072 disclose all elements per claimed invention as described above. However, it is silent as to the specifics of providing user's identification to access the system and providing a communication system that links the controller to a remote location.

Scott '409 discloses an authorized dispensing system, wherein the dispenser is linked to a remote location for a single-point monitoring of all dispensing transactions. A user must first input an authorized identification in order to access the dispenser.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Lamoureux et al. '072 with an authorized access system that links to a remote central monitoring location because it facilitates a

secured dispensing system with a single-point monitoring location, as taught by Scott '409.

***Response to Arguments***

14. Applicant's arguments with respect to claims 1-5, 8, 9, and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

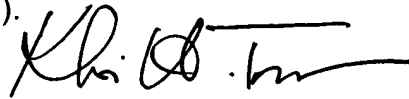
***Conclusion***

15. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H. Tran whose telephone number is (571) 272-6919. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran  
Primary Examiner  
Art Unit 3651

KHT  
11/04/2005